

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Essie Charleitta Herring

Docket No. 5:12-CR-161-1H

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Essie Charleitta Herring, who, upon an earlier plea of guilty to Unauthorized Use of Access Device, 18 U.S.C. §§ 1029(a)(2) & 2, was sentenced by the Honorable Henry Coke Morgan, Jr., U.S. District Judge for the Eastern District of Virginia, on September 1, 1998, to the custody of the Bureau of Prisons for a term of 8 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be required to take action to obtain Court Ordered child support from the fathers of her dependant children.
3. The defendant shall be prohibited from being employed in any situation where she will have access to money unless and until the Probation Officer confers with employer regarding defendant's past record.

Essie Charleitta Herring was released from custody on January 22, 2002, after serving a concurrent state sentence. The defendant did not contact the probation office in the Eastern District of Virginia upon her release and subsequently a warrant for her arrest was issued. On June 7, 2011, the defendant admitted to the violations and was found in violation of her supervised release. The court ordered her to time served and 30 months of supervised release, under the conditions originally imposed for the term of supervised release from which she absconded. The court further ordered:

1. The defendant shall report to the U.S. Probation Office in Norfolk following the resolution of her Virginia Beach charges. If any time is served, the defendant shall report to the U.S. Probation Office, Norfolk Office, following release from Virginia Beach.

On March 27, 2012, jurisdiction was transferred to the Eastern District of North Carolina.

In January 2, 2013, the court modified her conditions of supervision to include 24 hours of community service and mental health treatment, as a result of a Driving While Impaired charge and a positive urinalysis.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On February 21, 2013, the defendant again tested positive for cocaine. She has agreed to participate and has been accepted into the HOPE Reentry Court program to assist her in her recovery from addiction. We would recommend the court add the following conditions and allow her to participate in the HOPE program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

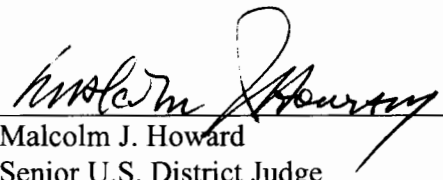
/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: April 3, 2013

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ORDER OF COURT

Considered and ordered this 3rd day of April, 2013, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge